IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Criminal Application No.686 of 2006

Dilip s/o Purushottam Sarda
vrs
Panjab s/o Narayanrao Kadam

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Mrs. Mrunal M. Shesh, Advocate for the appellant,
Mr. K.S. Narwade, Advocate for the respondent.

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Coram : K.J. Rohee, J.
Dated : 4th September, 2006

1. Heard the learned counsel for the parties.

2. Neither the notice of demand nor the complaint discloses that the cheque in question was issued by the respondent for the debt or other liability much less legally enforceable debt or other liability. In the absence of pleading the appellate court was justified in holding that the appellant has not discharged the initial burden so as to draw presumption in favour of the appellant and against the respondent. Thus there is no error in the judgment of the appellate court. Hence leave to file appeal is rejected.

JUDGE

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